

DoD support activity	OSD sponsor (OSD principal staff assistant)	DoD component responsible for administrative support
2. Intelligence Program Support Group	Assistant Secretary of Defense (Command, Control, Communications & Intelligence).	Defense Intelligence Agency (DIA).
3. Defense Productivity Program Office	ASD (FM&P)	DLA.
4. Defense Manpower Data Center	ASD (FM&P)	DLA.
5. Defense Training & Performance Data Center	ASD(FM&P)	DLA.
6. DoD Civilian Personnel Systems Center	ASD(FM&P)	DLA.
7. Vulnerability & Analysis Branch, Military Studies & Analysis Division, Joint Data Systems Support Center, Defense Information Systems Agency (DISA).	Assistant Secretary of Defense (Program Analysis & Evaluation).	DISA.
8. Defense Installations Support Office	Assistant Secretary of Defense (Production & Logistics) (ASD(P&L)).	DLA.
9. Defense Analysis & Studies Office	ASD(P&L)	DLA.
10. Defense Environment Support Office	ASD(P&L)	DLA.
11. Management Support Center (Includes Administrative Support Office)	ASD(P&L)	DLA.
12. Defense Logistics Support Office	ASD(P&L)	DLA.
13. Defense Procurement Support Office	USD(A)	DLA.
14. Defense Production Resources Support Office	ASD(P&L)	DLA.
15. Defense Systems & Programs Office	ASD(P&L)	DLA.
16. Total Quality Management Support Office	Under Secretary of Defense (Acquisition).	DLA.

PART 377—DEFENSE INVESTIGATIVE SERVICE (DIS)

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APPENDIX A TO PART 377—DELEGATIONS OF AUTHORITY

AUTHORITY: 10 U.S.C. chapter 4.

SOURCE: 52 FR 41993, Nov. 2, 1987, unless otherwise noted. Redesignated at 58 FR 39360, July 22, 1993.

§ 377.1 Reissuance and purpose.

This part revises 32 CFR part 377 and, pursuant to the authority vested in the Secretary of Defense under title 10, U.S. Code assigns direction, authority, and control over the Defense Investigative Service (DIS) to the Deputy Under Secretary of Defense for Policy (DUSD(P)), and prescribes the organization and management, functions, responsibilities, relationships, and authorities described in the following.

§ 377.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the

Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as “DoD Components”).

§ 377.3 Organization and management.

(a) The DIS is a separate agency of the Department of Defense under the direction, authority, and control of the DUSD(P).

(b) The DIS shall consist of a Director, appointed by the Secretary of Defense, a management headquarters; a Defense Industrial Security Clearance Office (DISCO); a Personnel Investigations Center (PIC); a Defense Security Institute; and such subordinate units and field activities as are established by the Director, DIS, or as assigned to the DIS by the Secretary of Defense. Subordinate units and field activities may be located overseas in support of the industrial security mission.

(c) The DIS shall be authorized such personnel, facilities, funds, and other administrative support as the Secretary of Defense deems necessary.

(d) Military personnel may be assigned to the DIS from the Military Departments in accordance with approved authorizations and established procedures for assignment to joint duty.

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§ 377.4 Functions.

The DIS is a law enforcement, personnel security investigative, and industrial security agency and shall:

(a) Provide a single, centrally directed personnel security investigative service to conduct personnel security investigations for DoD Components within the United States and its Trust Territories and, when authorized by the DUSD(P), for other U.S. Government departments and agencies. The DIS shall request the Military Departments, or when appropriate other U.S. Government activities, to accomplish investigative requirements assigned to it in other geographic areas.

(b) Operate a consolidated Personnel Security Investigations Center in accordance with DoD Directive 5200.27¹.

(c) Manage the Defense Central Index of Investigations.

(d) Administer the Defense Industrial Security Program (DISP) under DoD 5220.22-R.

(e) Operate the DISCO as a consolidated central facility to process industrial personnel security clearances.

(f) Administer the Defense Industrial Facilities Protection Program (DIFPP) under DoD Directive 5160.54².

(g) Provide inspection policy and procedures essential to assess DoD contractor compliance with DoD physical security requirements for the protection of sensitive conventional arms, ammunition and explosives (AA&E) under DoD Instruction 5220.30³.

(h) As authorized by the DUSD(P) and under 32 CFR part 213 provide support for law enforcement investigations involving DoD personnel, facilities, or contractors conducted by authorized investigative agencies of the Military Departments, Inspector General, Department of Defense (IG, DoD), the Federal Bureau of Investigation, or other Federal investigative agencies.

(i) Conduct investigations of unauthorized disclosure of classified information not under the jurisdiction of the Military Departments and other in-

vestigations as the DUSD(P) may direct.

(j) Review criminal history record information at police local, State, or Federal law enforcement agencies; and related record repositories, as required.

(k) Conduct surveys and prepare analyses and estimates of managed programs.

(l) Provide administrative and computer support to the Defense Integrated Management Information System (DIMIS).

(m) Maintain an official seal and attest to the authenticity of official DIS records under that seal.

[52 FR 41993, Nov. 2, 1987. Redesignated and amended at 58 FR 39360, July 22, 1993]

§ 377.5 Responsibilities.

(a) The *Director, Defense Investigative Service*, shall:

(1) Organize, direct, and manage the DIS and all assigned resources.

(2) Establish standards and procedures for certification and accreditation of DIS personnel assigned to perform investigative and industrial security duties.

(3) Provide for industrial security and personnel security investigative training for DIS personnel and information and industrial security training for DoD and other U.S. Government personnel, employees of U.S. Government contractors, and selected foreign governments.

(4) Program, budget, account for, and report the activities of the DIS in accordance with the policies and procedures established by the Secretary of Defense.

(5) Refer to the appropriate civilian and military investigative agency matters developed as a result of DIS investigations that involve alleged criminal misconduct or have a significant intelligence or counterintelligence aspect.

(6) Under normal circumstances, refer alleged criminal activity by DIS personnel to the Office of the Assistant Inspector General for Investigations (OAIG-INV), DoD who shall make referral to the Department of Justice (DoJ). If the OAIG-INV or DoJ decline investigative jurisdiction, the Director shall assign DIS personnel to conduct

¹Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

²See footnote 1 to § 377.4(b).

³See footnote 1 to § 377.4(b).

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an investigation and determine appropriate administrative action to be taken.

(7) Administer the DISP, DIFPP, and the AA&E Programs.

(8) Develop, publish, and implement procedures under the policy guidance and general supervision of the DUSD(P) with respect to the DISP, DIFPP, and AA&E Programs.

(9) Arrange, conduct, and participate in meetings, seminars, and conferences between industry, industrial and professional associations, international organizations, foreign governments, and the Department of Defense and other U.S. Government agencies concerning all aspects of industrial security.

(10) Administer the Security Classification Management Program in industry under E.O. 10865 and E.O. 12356, including promulgation of policy, regulatory provisions, educational requirements, and resolution of problems.

(11) Under the general supervision and approval of the DUSD(P), prepare and publish Industrial Security Letters and Industrial Security Bulletins.

(12) Obtain reports, information advice, and assistance, consistent with DoD Directive 5000.19⁴ as may be necessary for the performance of assigned functions and responsibilities.

(13) Ensure that all allegations of wrongdoing directed against DIS employees are promptly and thoroughly reviewed, evaluated, and processed in accordance with Office of Personnel Management (OPM), DoD, and DIS regulations, instructions, directives and where applicable, Federal statutes.

(b) The *Heads of DoD Components* shall cooperate with and assist the Director, DIS, by providing access to information within their respective fields as required for the DIS to carry out functions assigned by this part.

(c) The *Secretaries of the Military Departments* shall ensure that the overseas military investigative agencies provide prompt responses to DIS personnel security lead requests in order

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to expedite personnel security investigative matters within the DIS.

[52 FR 41993, Nov. 2, 1987. Redesignated and amended at 58 FR 39360, July 22, 1993]

§ 377.6 Relationships.

The Director, DIS, shall carry out the above responsibilities under the direction, authority and control of the DUSD(P) and shall:

(a) Maintain liaison with other DoD Components, law enforcement agencies, industry, professional associations, academies, international organizations, foreign governments, and other agencies for the exchange of information in the field of assigned responsibility and shall render assistance, as appropriate, within the limits of established policy.

(b) Maintain a close working relationship with industrial representatives to encourage industry participation and cooperation in the furtherance of the DISP.

(c) Use existing DoD facilities and services whenever practical to achieve maximum efficiency.

APPENDIX A TO PART 377—DELEGATIONS OF AUTHORITY

The Director, DIS, or in the absence of the Director, a person acting for the Director, is hereby delegated, subject to the direction, authority, and control of the DUSD(P), and in accordance with DoD policies, directives, and instructions, and pertinent publications, authority as required in the administration and operation of the DIS to:

1. In accordance with 5 U.S.C. 302 and 3101, employ, direct, and administer DIS civilian personnel.

2. Fix rates of pay for wage board employees exempt from 5 U.S.C. chapter 51, on the basis of rates established under the Coordinated Federal Wage System. In fixing those rates, the wage schedules established by DoD Wage Fixing Authority shall be followed.

3. Establish advisory committees and part-time advisors for the performance of DIS functions pursuant to 10 U.S.C. 173, and to hire Branch of the Federal government or any other oath required by law in connection with employment therein, in accordance with 5 U.S.C. 2903(b), and to designate in writing other officers and employees of the DIS to perform this function or to administer oaths incident to any investigation conducted by the DIS.

5. Establish a DIS Incentive Awards Board and pay cash awards to, and incur necessary

⁴See footnote 1 to § 377.4(b).

expenses for, the honorary recognition of civilian employees of the government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect the DIS or its subordinate activities in accordance with 5 U.S.C. 4503, and Office of Personnel Management regulations.

6. Perform the following functions in accordance with 5 U.S.C. 7532; Executive Order 10450, April 27, 1953; and DoD 5200.2-R, February 1984.

a. Designate the security sensitivity of positions within the DIS.

b. Authorize, in the case of an emergency, the appointment of a person to a sensitive position in the DIS for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed.

c. Authorize the suspension and, when authorized by the DUSD(P), terminate the services of a DIS employee in the interests of national security.

7. Clear DIS personnel and such other individuals as may be appropriate for access to classified DoD material and information in accordance with the provisions of DoD 5200.2-R. As an exception, the personnel security investigation of individuals who are incumbents of, or are proposed for, Senior Executive Service positions within the DIS as Director, Deputy Director (Investigations), or Deputy Director (Industrial Security), shall be conducted by a non-DIS investigative agency designated by the DUSD(P). Similarly, the results of such investigations shall be adjudicated by a non-DIS authority designated by the DUSD(P).

8. Act as an agent for the collection and payment of employment taxes imposed by chapter 21 of the Internal Revenue Code of 1954, and, as such agent, make all determinations and certifications required or provided under 26 U.S.C. 3122 and 42 U.S.C. 405(p) (1) and (2), with respect to DIS personnel.

9. Authorize and approve overtime work for DIS personnel in accordance with the provisions of §550.111 of the OPM Regulations.

10. Authorize and approve:

a. Travel for DIS personnel in accordance with the Joint Travel Regulations (JTR), Volume 2, Department of Defense civilian personnel.

b. Temporary duty travel for military personnel assigned or detailed to the DIS in accordance with JTR, Volume 1, Members of the Uniformed Services.

c. Invitational travel to persons serving without compensation whose consultative, advisory, or highly specialized technical services are required in a capacity that is directly related to, or in connection with, DIS activities, pursuant to 5 U.S.C. 5703.

11. Approve the expenditure of funds available for travel by military personnel assigned or detailed to DIS for expenses incident to attendance at meetings of technical, scientific, professional or other similar organizations in such instances where the approval of the Secretary of Defense or his designee is required by law (37 U.S.C. 412, 5 U.S.C. 4110 and 4111). This authority cannot be redelegated.

12. Develop, establish, and maintain an active and continuing Records Management Program under 44 U.S.C. 3102 and DoD Directive 5015.2, September 17, 1980.

13. Enter into and administer contracts, directly or through a DoD Component, or other Government department or agency, as appropriate, for supplies, equipment, and services required to accomplish the mission of the DIS. To the extent that any law or Executive Order specifically limits the exercise of such authority to persons at the secretarial level or a Military Department, such authority will be exercised by the Assistant Secretary of Defense (Manpower, Installations, and Logistics).

14. Establish and use imprest funds for making small purchases of material and services, other than personal, for the DIS when it is determined it is more advantageous and consistent with the best interests of the government, in accordance with the provisions of DoD Instruction 5100.71, March 5, 1973.

15. Authorize the publication of advertisements, notices, or proposals in public periodicals as required for the effective administration and operations of the DIS pursuant to 44 U.S.C. 3702.

16. Establish and maintain appropriate property accounts for DIS. Appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for DIS property contained in the authorized property accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

17. Promulgate the necessary security regulations for the protection of property and activities under the jurisdiction of the Director, DIS, pursuant to DoD Directive 5200.8, July 29, 1980.

18. Develop and maintain DoD publications and changes thereto, consistent with DoD 5025.1-M, April 1981.

19. Enter into support and service agreements with the Military Departments, other DoD Components, or other Government agencies as required for the effective performance of responsibilities and functions assigned to the DIS.

20. Issue appropriate implementing documents and establish internal procedures to ensure that the selection and acquisition of automated data processing resources are conducted in accordance with DoD Directive

7920.1, October 17, 1978; the Federal Property Management regulations; and the Federal Acquisition Regulation.

The Director, DIS, may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

PART 378—ASSISTANT TO THE SECRETARY OF DEFENSE FOR INTELLIGENCE OVERSIGHT (ATSD(IO))

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378.1 Purpose.

378.2 Applicability.

378.3 Definition.

378.4 Responsibilities and functions.

378.5 Relationships.

378.6 Authorities.

AUTHORITY: 10 U.S.C. 113.

SOURCE: 59 FR 43475, Aug. 24, 1994, unless otherwise noted.

§ 378.1 Purpose.

Under the authority vested in the Secretary of Defense by 10 U.S.C. 113, this part updates the responsibilities, functions, relationships, and authorities of the ATSD(IO), as prescribed herein.

§ 378.2 Applicability.

This part applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as “the DoD Components”).

§ 378.3 Definition.

Propriety. Refers to the standards for intelligence activities promulgated in Executive orders, Presidential Directives, and DoD Directives. Other terms used herein are defined in E.O. 12333, 3 CFR, 1981 Comp., p. 200; DoD Directive 5240.1¹, and DoD 5240.1-R².

¹Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

²See footnote 1 to § 378.3.

§ 378.4 Responsibilities and functions.

The Assistant to the Secretary of Defense for Intelligence Oversight shall be responsible for the independent oversight of all intelligence activities in the Department of Defense. In this capacity, the ATSD(IO) shall ensure that all activities performed by intelligence units and all intelligence activities performed by non-intelligence units, are conducted in compliance with Federal law and other laws as appropriate, Executive orders and Presidential Directives, and DoD Directives System issuances. In the exercise of this responsibility, the ATSD(IO) shall:

(a) Develop intelligence oversight policy and, in coordination with the General Counsel of the Department of Defense (GC, DoD), issue intelligence oversight guidance to the DoD intelligence components, including regulatory guidance implementing intelligence oversight aspects of E.O. 12333.

(b) Review, in consultation with the GC, DoD, all allegations that raise questions of the legality or propriety of intelligence activities in the Department of Defense.

(c) Investigate intelligence activities that raise questions of legality or propriety.

(d) Conduct vigorous and independent inspections of the DoD Components that engage in intelligence activities for the purpose of verifying that personnel are familiar and in compliance with E.O. 12333 and its DoD implementing documents. At the request of senior leadership of the Department, and as practicable, the ATSD(IO) will assess and evaluate the performance of DoD's intelligence activities during the course of scheduled inspections and site visits. Reports in these areas of special interest will be provided to the requesting official and the Secretary of Defense for information.

(e) Monitor investigations and inspections conducted by the DoD Components related to intelligence activities, evaluate the findings and, if appropriate, submit recommendations for corrective action to the Secretary and Deputy Secretary of Defense.

(f) Report the following to the Secretary and Deputy Secretary of Defense, and the Intelligence Oversight